

Opening Statement
The Honorable Paul Gosar
Vice-Chairman
House Water, Power and Oceans Subcommittee
Oversight Hearing on
“Empowering States and Western Water Users Through
Regulatory and Administrative Reforms”
April 13, 2016

Thank you for holding today’s hearing.

For centuries, the West has fought over scarce water supplies. This scarcity led our visionary forefathers to build federal water storage projects throughout to provide water, hydropower, recreation, flood control and environmental benefits while adhering to state water rights. For generations, these projects delivered benefits to a growing society, but what the federal government helped generate, they have slowly been taking away. The Obama Administration is speeding up this erosion in its waning days and doing so under the cover of darkness.

Example #1: The Forest Service withdrew its poorly written Groundwater Directive last year. Like Arnold in the Terminator movies, it’s back. Only this time, it’s being done under much more hidden circumstances – as recently uncovered by the Western Governors Association as shown on the screen. I ask unanimous consent to submit materials from WGA that go into detail about Groundwater Directive 2.0. (Fleming says without objection). We must put this in its grave once and for all.

Example #2: As also uncovered by the excellent staff work at the WGA, the Forest Service is trying to limit public comment on these and other proposals by abandoning the Administrative Procedure Act. The Forest Service will hear from us shortly on this egregious behavior.

Example #3: The President’s so-called Mitigation Impacts on Natural Resources memo -- as shown on the screen - from last year. As we will hear, this will allow federal land managers to drive a truck through state water law and set up a “pay to play” system that will pick winners and losers with the winners primarily being lawyers.

These examples are just from the past six months and are being done quietly and methodically. It begs the question of what's next? These proposals are a buzz-kill to local empowerment and water development. This hearing is just the first step in this oversight process and I thank witnesses for their hard work in exposing them.

I also want to highlight another topic being presented today: the need to improve the Bureau of Reclamation's title transfer process. Next to the phrase "we can do better" is the agency's title transfer program and that's by its own admission. One tool in our toolbox to improve our water infrastructure is to leverage non-federal financing through local ownership of former BOR projects. Once an irrigation district owns a project, it can use that collateral to obtain financing to improve the project while eliminating federal liability.

This should be low-hanging fruit, but the agency has made it anything but easy and Congress hasn't helped either given the time it takes to consider simple transfers. The process is broken and we have the power to fix it. Legislation streamlining the process is necessary – at the very least for single purpose, non-controversial water projects. It's not for everyone, but it can be a win-win for the local water user and the federal government. Those interested should not be strangled by red tape before an idea even gets off the ground. We will hear more detail about this later today.

Like the Chairman said, we are very fortunate to hear firsthand from the experts and to be joined by members of the National Water Resources Association who are keeping the vision of our water pioneers alive and kicking – despite pervasive federal regulatory growth. They just want to keep the water running and the lights on – we owe them our very best to allow them to do just that.